

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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CHINEDU DIKE,

Plaintiff,

-against-

ORDER

17-CV-5999(JS) (GRB)

SAN SIMEON BY THE SOUND CENTER  
FOR REHABILITATION AND NURSING,

Defendant.

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APPEARANCES:

For Plaintiff: Chinedu Dike, pro se  
332 Lake Pointe Drive  
Middle Island, NY 11953

For Defendant: Juan C. Gonzalez, Esq.  
Rubin Sheeley Paterniti Gonzalez Kaufman LLP  
420 Lexington Ave., Suite 1820  
New York, New York 10017

SEYBERT, District Judge:

On October 13, 2017, pro se plaintiff Chinedu Dike ("Plaintiff") filed a Complaint pursuant to Title VII of the Civil Rights Act of 1964 ("Title VII"), as codified, 42 U.S.C. §§ 2000e to 2000e-17, alleging employment discrimination and retaliation. Plaintiff's Complaint is accompanied by an application to proceed in forma pauperis.

Upon review of Plaintiff's declaration in support of his application to proceed in forma pauperis, the Court finds that Plaintiff's financial status qualifies him to commence this action without prepayment of the filing fees. See 28 U.S.C. § 1915(a)(1). Accordingly, Plaintiff's application to proceed in forma pauperis is GRANTED.

On November 7, 2017, Defendant filed an answer notwithstanding the fact that no summons had yet been issued nor had service of the Summons and Complaint been ordered. Accordingly, Defendant shall apprise the Court in writing no later than fourteen (14) days from the date of this Order whether it shall require the Court to expend resources in ordering the United State Marshal Service to serve the Complaint. If Defendant elects to waive service by the USMS, the Court shall deem any defense based on improper service to be waived.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore in forma pauperis status is DENIED for the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444-45, 82 S. Ct. 917, 8 L. Ed. 2d 21 (1962).

The Clerk of the Court is further directed to mail a copy of this Order to the pro se Plaintiff.

SO ORDERED.

/s/ JOANNA SEYBERT  
Joanna Seybert, U.S.D.J.

Dated: November 28, 2017  
Central Islip, New York